

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 59-116 are pending in the application. Claims 76, 84, 92, 100, and 109 are amended by the present amendment. As amended Claims 76, 84, 92, 100, and 109 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claim 100 was rejected under 35 U.S.C. §112, second paragraph; Claims 76, 77, 84, 85, 92, 93, and 100 were rejected under 35 U.S.C. §102(b) as anticipated by Gaskill et al. (U.S. Patent 5,481,254, hereinafter "Gaskill"); Claim 109 was rejected under 35 U.S.C. §103(a) as unpatentable over Gaskill in view of Rinchiuso et al. (U.S. Patent 6,104,709, hereinafter "Rinchiuso"). However, Claims 78-83, 86-91, 94-99, 101-103, 110 and 111 were objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and Claims 59-75, 104-108 and 112-116 are allowed.

Applicants appreciatively acknowledge the allowance of Claims 59-75, 104-108, and 112-116 and the indication that Claims 78-83, 86-91, 94-99, 101-103, 110 and 111 include allowable subject matter.

Applicants and Applicants' representatives thank Examiner Sobutka for the courtesy of the interview granted to Applicants' representatives on June 13, 2006. During the interview, differences between the claims and Gaskill were discussed. Examiner Sobutka agreed that a proposed amendment to the rejected claims appeared to overcome the rejection of record. This proposed amendment to the claims is presented herewith.

With regard to the rejection of Claim 76 under 35 U.S.C. §102(b) as anticipated by Gaskill, that rejection is respectfully traversed.

¹See, e.g., the specification at 38, lines 3-12.

Amended Claim 76 recites, *inter alia*, a multicast service providing method, wherein:

the information distributing apparatus informs all the radio terminals present in the service area of information for identifying multicast information on distribution and radio channels ***including at least one frequency number*** used for the distribution of the multicast information by using a single message sent on a predetermined radio channel...

Gaskill describes a paging device 12 that receives a message packet 18 including a group ring 18d and a message 18c. During the above-mentioned interview, Examiner Sobutka stated that he was interpreting the group ring 18c of Gaskill as including ***time channel*** identifiers that identify a time channel of the message 18c to be read by each pager 12. Even assuming *arguendo* that group ring 18d of Gaskill does include time channel indicators, group ring 18d of Gaskill does ***not*** include any ***frequency number***. Further, it is respectfully submitted that no other part of message packet 18 of Gaskill includes a frequency number either. Therefore, Gaskill does not teach or suggest “the information distributing apparatus informs all the radio terminals present in the service area of information for identifying multicast information on distribution and radio channels ***including at least one frequency number*** used for the distribution of the multicast information by using a single message sent on a predetermined radio channel,” as recited in Claim 76.

As Gaskill fails to teach or suggest the above cited feature of Claim 76, it is respectfully submitted that Claim 76 (and Claims 77-83 dependent therefrom) is not anticipated by Gaskill and is patentable thereover.

Further, independent Claims 84, 92, and 100 also recite that information including ***at least one frequency number*** is sent in a single message. Consequently, Claims 84, 92, and 100 (and Claims 85-91, 93-99, and 101-103 dependent therefrom) are patentable over Gaskill for at least the reasons described above with respect to Claim 76.

With regard to the rejection of Claim 109 under 35 U.S.C. §103(a) as unpatentable over Gaskill in view of Rinchioso, that rejection is respectfully traversed.

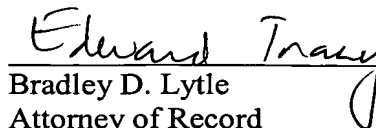
Claim 109 recites in part, “radio channel information transmitting means transmitting information of a plurality of radio channels *at least one frequency number* used for distributing the multicast data in a single message in response to the distributing request for the multicast data given by the radio terminal.”

The outstanding Office Action cited Gaskill as describing this element. However, as noted above, Gaskill does not teach or suggest “transmitting information of a plurality of radio channels *at least one frequency number* used for distributing the multicast data in a single message.” Accordingly, Gaskill does not teach or suggest “radio channel information transmitting means” as defined in Claim 109. Further, it is respectfully submitted that Rinchioso does not teach or suggest this element either. Accordingly, Claim 109 (and Claims 110 and 111 dependent therefrom) is patentable over Gaskill in view of Rinchioso.

Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 59-116 is patentably distinguishing over the cited art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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